



MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF COMMISSIONERS
FOR THE
COUNTY OF LEE, STATE OF NORTH CAROLINA

OCTOBER 16, 2006

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 1:30 p.m., in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were W. Chad Adams, Robert H. Brown, Herbert A. Hincks, Jerry M. Lemmond, Nathan E. Paschal, Robert T. Reives, and Amy L. Stevens.

Chairman Hincks presided and the following business was transacted:

County Attorney K. R. Hoyle delivered the invocation.

Chairman Hincks led the pledge of allegiance.

The following new employees were introduced to the Board:

- Ms. Gayle Gray, Jailer, Lee County Jail
- Ms. Jeanette Willett, Shelter Attendant, Animal Control
- Ms. Mirta Romero, Health Check Coordinator, Health Department
- Ms. Jennifer Rowe, Tax Assistant, Tax Office
- Ms. Marilyn McKinney, Administrative Support Assistant, Administration

Mr. Joe Cherry, Chairman of the Employee Selection Committee, presented Ms. Janice Holmes, Volunteer Services Coordinator with Lee County Senior Services, as the *October 2006 Employee of the Month*. Chairman Hincks presented Ms. Holmes with her awards, which included a day off with pay, a "Star Award", a framed certificate, a pizza from Papa John's Pizza, Coca Cola products, and a movie rental from Movie Gallery.

The Board considered changes/amendments to the agenda. Chairman Hincks stated discussion concerning a Resolution for Installment Contract

Financing for public school projects would be moved from “Manager’s Comments” to “New Business”. Applications for various Boards and Commissions received after agenda packages were distributed were also presented for consideration. Commissioner Adams moved to approve the agenda as amended. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond moved to approve the Consent Agenda as presented, which consisted of the following items:

- Minutes from the September 18, 2006 regular meeting
- N.C. Forest Service request to amend FY 2006-07 budget contract
- Approval to write-off delinquent 1995 taxes (per attached copies)
- Request from Finance Department to destroy specified records (per attached copy)
- Budget amendment # 10/16/06/#05 (per attached copy)
- Approval to receive FY 2006 Homeland Security funding in the amount of \$36,046.34 to purchase portable radios and a control station
- Tax Releases and Refunds for September 2006 (per attached copy)
- Memorandum of Understanding between Lee County and the North Carolina Cooperative Extension Service
- Request from the Health Department to receive \$14,841.00 from the State Family Planning Program
- Request from the Health Department to receive \$17,500 in State Public Health Preparedness funding
- Request from the Health Department to receive \$50,000 from the NC Institute for Public Health for the period January 1, 2007 through December 31, 2007 to fully fund a vacant Physician Extender II position
- Amendment to Library resolution reference sale of books to library staff and family members (per attached copy)
- Request from Board of Education to remove house located at 2301 Tramway Road

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a resolution for debt financing for public school projects. Finance Director Lisa Minter explained the resolution which includes setting a time and location for a required public hearing and ratifies the selection of the financing team which includes Helms, Mulliss & Wicker, PLLC (special counsel), Davenport & Company LLC (Senior), A.G. Edwards & Sons, Inc., (underwriters), and Womble Carlyle Sandridge & Rice, PLLC (underwriters counsel). Ms. Minter also advised the Board the resolution would require a "second" which is normally not done by the current Board when a motion is made. After some discussion, Commissioner Brown moved to approve a Resolution Relating to Installment Contract Financing for Public School Projects, Public Improvement Projects and Community College Projects; the Execution and Delivery by a Non-Profit Corporation of Certificates of Participation Related Thereto and Approval of Certain Members of the Financing Team, a copy of which is attached to these minutes and by this reference made a part hereof. Commissioner Stevens seconded the motion. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Mr. Chuck Dumas, District Engineering from the North Carolina Department of Transportation (DOT) presented the 2006 Secondary Road Construction Program to the Board. The following roads are scheduled for repairs in the upcoming year, using funds from the Secondary Improvement Program Highway Funds:

- SR 1463 – Iron Furnace Road, 0.75 miles
- SR1502 – Ragan Road, 0.6 miles
- SR 1311 – Big Springs Road, 0.3 miles

After some discussion, Commissioner Reives moved to approve a Resolution Authorizing Funding for the 2006 Secondary Road Construction Program, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Mr. Mike Watson, Director of the Sandhills Mental Health Center gave the Board an update on Mental Health Reform. Mr. Watson discussed the struggle Mental Health went through last year and the time and energy wasted. Mr. Watson also stated changes have been made this year and the program is running smoother. Mental Health agencies will be working with the State on a

funding formula to match services with current funding. The Sandhills Center will have a Crisis Plan in place by March 1, 2007, and is currently working on a local Business Plan for the upcoming year. The Board took no action on this matter.

The Board considered revised six-mile fire districts for all volunteer fire departments. Fire Marshal Derrick Clouston told the Board that over the past three months his office has been working to complete the requirements of the North Carolina Office of State Fire Marshal (OSFM) to revise fire district from a five-mile district to a six-mile district. Mr. Clouston stated that in order to move forward with extending the boundaries of each fire district from a five-mile district to a six-mile district, the Commissioners must approve the revised maps. Once the maps are approved, OSFM will inspect each department to ensure they meet the minimum requirements for the new rating. The Fire Advisory Board and Fire Chief's Association have discussed this matter and are in support of the adoption of the six-mile districts. After some discussion, Commissioner Brown moved to approve the revised six-mile fire district map, a copy of which is attached to these minutes and by this reference made a part hereof.

Ms. Terry Johnson, Administrative Assistant III with Lee County General Services presented a report on all County owned vacant property. Ms. Johnson had divided the properties into three categories, which include the following:

- (Table A) Properties close to or adjoining a building that is currently owned by Lee County making it ideal for possible future needs;
- (Table B) Property that is currently under negotiation to sell; and
- (Table C) Properties that are currently maintained by Lee County and recommended as surplus status

County Attorney K. R. Hoyle stated all deeds would have to be checked to make sure property has been cleared for disposal and this would take several months to review. After some discussion, Commissioner Adams moved to declare properties listed in Table C, and are currently maintained by Lee County, surplus and begin the process to dispose of such. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Assistant County Manager Kenny Cole discussed with the Board recent courthouse security changes. Mr. Cole told the Board that in the FY 2005-06 budget, the Commissioners approved funds in the amount of \$217,000 that allowed staff to address security at the Lee County Courthouse as well as other County owned facilities. A Courthouse Committee was formed that was comprised of members of each division within the courthouse facility. The

objective of the Committee was to develop and implement a security plan in conjunction with the report prepared in 2005 by Mosely Architects. Mr. Cole stated the report recommended controlling access to only the North entrance of the Courthouse by constructing a controlled vestibule. In the FY 2005-06 budget, the Commissioners approved a security/bailiff position within the Sheriff's Department budget that would allow protection at this entrance. The Sheriff's Department in February 2006 filled the position, but it is apparently not being used for the purposes intended. When the Courthouse Committee met on September 21, 2006, to finalize the operational plans and set an implementation date, the Sheriff's Department stated they could not proceed with the implementation date due to lack of personnel within their department. Mr. Cole presented a power point presentation showing recent security measures taken at the old and new Courthouse that incorporated suggestions from the report and the Courthouse Committee. Captain James Estes from the Sheriff's Department was present and stated that approximately two to three additional personnel would be needed in order to man the North entrance as recommended. After much discussion, Chairman Hincks moved to defer action on the matter until the October 30, 2006 meeting and asked Mr. Cole to present different security alternatives and cost estimates. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a resolution to allow local government to charge fees for food and lodging inspections. Health Director Mike Hanes told the Board the State currently provides Lee County approximately \$10,000 per year to provide food and lodging inspections. Currently it costs the local taxpayers of Lee County approximately \$220,000 per year to meet the State mandated requirements for inspections. Mr. Hanes stated the Board of Health had unanimously approved a resolution requesting the General Assembly to enact legislation empowering local government to enact and collect fees for providing food and lodging support and inspections from such enterprises operating within their boundaries. After some discussion, Commissioner Adams moved to approve a Resolution in Support of Local Fees for Food and Lodging, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

County Manager David Smitherman discussed with the Board the State Legislative Agenda. Mr. Smitherman told the Board the Legislative Liaison

Committee, made up of Commissioners' Brown and Stevens, himself, and Strategic Initiatives Director Lesa Price, have been working on legislative issues to present to the NCACC for the 2007-08 legislative session. Mr. Smitherman asked the Board to ratify the State Legislative Agenda that has been submitted, a copy of which is attached to these minutes and by this reference made a part hereof. Mr. Smitherman also asked the Board to include, as part of that agenda, a 1% Land Transfer Tax as a revenue option for all one-hundred counties, and Food and Lodging Fees to empower local governments to enact and collect fees for providing Food and Lodging support and inspections. After some discussion, Commissioner Stevens moved to approve the addition of the 1% Land Transfer Tax as a revenue option for all one hundred counties. Upon a vote, the results were as follows:

Aye: Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: Adams

The Chairman ruled the motion had been adopted by a six to one vote.

Commissioner Adams moved to approve the Food and Lodging Fees that would empower local governments to enact and collect fees for providing Food and Lodging support and inspections. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered the Sign Ordinance as it relates to the Unified Development Ordinance (UDO). Commissioner Adams questioned why there is a need for political signage limitations/rules/guidelines. He stated he felt the sign ordinance has gone too far. Discussion was based on a political sign that was placed on Commissioner Adams's personal property, which is within the Extra Territorial Jurisdiction (ETJ). Mr. Adams further stated people should have the right to have signs on their personal property. When the UDO was adopted in 2005 restrictions and regulations in the ETJ were never discussed. Mr. Adams continued to state he felt the section pertaining to political signs should be eliminated from the UDO and should only be addressed in the corporate limits of the City of Sanford and the Town of Broadway. After further discussion, Chairman Hincks moved that political signs be limited to a maximum sign area of six (6) square feet within the corporate limits of the City of Sanford or the Town of Broadway and a maximum of thirty-two (32) square feet within the unincorporated area of Lee County, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

At this time, the Board took a ten-minutes recess. Upon returning from recess, with all members present, the meeting resumed.

The Board considered appointments to the Board of Equalization and Review (Board of E & R). Chairman Hincks stated the Board of E & R had requested the appointment of three (3) additional "alternate" members to that Board. This request is made due to the large number of appeals due to the Revaluation and Review process beginning next year and the fact that current members may not be able to be away from their jobs for all meetings. Having additional alternates will enable the Board to continue meetings and allow members to be absent if necessary. After some discussion, Commissioner Adams moved to appoint Mr. Herb Hincks to serve on the Board of E & R effective January 1, 2007, and amend the Resolution Establishing the Lee County Board of Equalization and Review for 2006 to incorporate three (3) additional alternates, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously. Board members were asked to consider two additional alternates that will be appointed at the October 30, 2006 meeting.

The Board considered an appointment to the Sanford-Lee County Airport Authority. Commissioner Lemmond moved to nominate Mr. Bobby Powell, and Commissioner Paschal moved to nominate Mr. James Taggart to the above-mentioned Authority. Commissioner Reives moved to close nominations. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Upon a vote for the selection of Mr. Bobby Powell to the Sanford-Lee County Airport Authority, the results were as follows:

Aye: Brown, Hincks, Lemmond, and Reives
Nay: Adams, Paschal, and Stevens

The Chairman ruled the motion had been adopted by a four to three vote and Mr. Bobby Powell was elected to serve a three-year term on the Sanford-Lee County Airport Authority.

The Board considered appointments to the Fire Department Relief Fund Board. Fire Marshal Derrick Clouston asked the Board to appoint two individuals to serve on the Fire Department Relief Fund Board. Mr. Clouston stated the individuals appointed will work with each volunteer fire department to assist with disbursing funds set out in the Fireman's Relief Fund. Currently each department is made up of three (3) local members and two (2) appointed by the Commissioners. Each fire department will forward annual funds that are not appropriated to the North Carolina State Fireman's Association. After some discussion, Chairman Hincks nominated Donald Andrews Jr., and Commissioner Bob Brown to serve on all the volunteer fire department boards with the exception of the Cape Fear Fire Department Board. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Hincks further nominated Commissioner Bob Brown and Commissioner Amy Stevens to serve on the Cape Fear Fire Department Board. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered two (2) appointments to the Mid-Carolina Work Force Board. Commissioner Lemmond nominated Ms. Rosemary Imberman to fill the "organized labor" position. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Hincks moved to nominate Ms. Lisa Yancey for the business/industry position. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered two (2) appointments to the Rest Home-Nursing Home Advisory Board. Commissioner Paschal moved to nominate Ms. Mary Sue Riddle as an alternate member of the above-mentioned Board, and Mr. Del Jones as a regular member. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board heard an update from Emergency Services Director Jim Groves in reference to emergency shelter matters. At the August meeting of the Board of Commissioners, Mr. Groves was asked to present an update concerning emergency shelters. Mr. Groves addressed such matters as availability of generators at the local National Guard Armory, available grant funding for the purchase of generators, size/cost of generators and connections required to equip the new middle school so it may be used as an emergency shelter, and a report on how special need cases are compiled and maintained. Mr. Groves stated there might be grant money available at this time from Blue Cross Blue Shield for generators. Assistant County Manager Kenny Cole was asked to furnish the Board with information on how much a generator would cost to be installed at the new middle school. Mr. Groves also asked the Board to approve an updated *Mass Care Shelter Guideline* and authorize the Emergency Services Director to complete and sign each supporting Memorandum of Agreement associated with the Comprehensive Shelter Plan. Chairman Hincks moved to approve the updated *Mass Care Shelter Guideline* as presented. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Strategic Initiatives Director Lesa Price gave the Board an update on upcoming BRAC meetings.

Chairman Hincks moved to go into closed session per N.C. General Statute 143-318.11(a)(6) to discuss a personnel matter. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board was in closed session. After completing business in closed session, Commissioner Adams moved to go out of closed session. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously and the Board was out of closed session.

Chairman Hincks recessed the meeting till 7:00 p.m. at the Lee County Courthouse for an advertised joint public hearing with the Planning Board.

The meeting resumed at 7:00 p.m. in Courtroom #4 at the old Lee County Courthouse, with all Commissioners present, except Commissioner Reives. Chairman Hincks called the meeting to order.

Planner Althea Thompson outlined for the Board the rezoning petition submitted by Mr. Frank Pattishall to rezone approximately 4.53 acres of land located at 4385 Colon Road from Residential Agricultural district to Highway Commercial district.

Chairman Hincks opened the public hearing.

Mr. Frank Pattishall of 233 Lazy Waters Lane, Sanford, spoke in favor of the rezoning request.

Ms. Kayley Taber and Mr. Jeff Taber of 4463 Colon Road, Sanford, spoke in opposition to the rezoning request.

Chairman Hincks closed the public hearing.

With no further business to come before the Board, Commissioner Adams moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned in keeping with the motion.

ATTEST:

Herbert A. Hincks, Chairman

Gaynell M. Lee, Clerk